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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,638

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EXAMINER

JAKOVAC, RYAN J

ART UNIT

PAPER NUMBER

2145

MAIL DATE

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10/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,638	Applicant(s) ANDO ET AL.	
	Examiner RYAN J. JAKOVAC	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 13 and 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13 and 15-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/23/2005, 05/12/2005, 08/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The abstract of the disclosure is objected to because it contains numerical references to unspecified figures. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: the specification is replete with improper idiomatic English. See at least paragraphs [0007], “it is almost becoming one of social infrastructures”, [0011], “DSRC has a strong advantage in that large amount of information can be exchanged...”, [0015], “wireless communication enabling communicating with moveable bodies...”, etc. Appropriate correction is required.
4. Claims 21 and 23 are objected to because of the following informalities: All dependent claims should be grouped together with the claim or claims to which they refer to the extent practicable. See MPEP ¶ 6.18.01 (m). Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "as a level of attribute information of target information." This limitation is inherently unclear since it is not in proper idiomatic English.

Claim 4 recites "...the information based on circumstances on information reproduction in the information reproduction device" This limitation is inherently unclear since it is not in proper idiomatic English.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by JP 2002-101460

Claim 1 is rejected for the same reasons as provided in the international preliminary search report for the international application PCT/JP03/14287.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a)

shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by US 6,429,812 to Hoffberg.

Regarding claim 1, Hoffberg teaches an information delivery system in which an information reproduction device reproduces information delivered from an information delivery center, the information delivery system comprising information reproduction mode changing means for changing reproduction mode for the information based on circumstances on information reproduction in the information reproduction device (Hoffberg, abstract.).

11. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by 2002/0164998 to Younis.

Regarding claim 1, Younis teaches an information delivery system in which an information reproduction device reproduces information delivered from an information delivery center, the information delivery system comprising information reproduction mode changing means for changing reproduction mode for the information based on circumstances on information reproduction in the information reproduction device (Younis, abstract.).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-10, 12, 13, and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-101460 in view of JP 2002-95045 and further in view of JP 2000-175249.

Claims 2-10, 12, 13, and 15-22 are rejected for the same reasons as cited in the international preliminary search report for the international application PCT/JP03/14287.

14. Claims 1-10, 12, 13, 15-34 are rejected under 35 U.S.C. 103(a) as being anticipated by US 2002/0164998 to Younis in view of US 6,429,812 to Hoffberg.

Regarding claims 1, 2, 4-8, 12, 13, 15-23, and 31-34, Younis teaches an information delivery system in which an information reproduction device reproduces information delivered from an information delivery center, the information delivery system comprising: information reproduction mode changing means for changing reproduction mode for the information based on circumstances on information reproduction in the information reproduction device (Younis,

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abstract, the mobile device receives information through interacting with the application server. [0015], user interacts with voice-activated menu.); first communication means for enabling communication between a mobile body and the information delivery center using DSRC communication (Younis, abstract, the mobile device receives information through interacting with the application server and base station.), the mobile body including the information reproduction device and residing in a first communication area; and second communication means for enabling communication between the mobile body and the information delivery center when the mobile body resides in a second communication area which is larger than the first communication area (Younis, [0008-00017], the device is tracked from a starting position along a route to a final destination.), the second communication means carrying out communication with a lower speed than the first communication means (Younis, [0016-0017], GPS assistance from PDE. See also, [0006].), wherein: the information reproduction mode changing means includes: determining means for determining a time taken for the mobile body to reach a communication area for a nearest DSRC terminal device (Younis, [0029], time difference of signals sent between wireless device and base station is calculated. See also [0044].), as a level of attribute information of target information, which is selected by a user of the mobile body and is to be delivered from the information delivery center (Younis, [0044], driver selects route and destination.); and selecting means for selecting either the first communication means or the second communication means to be used for delivery of the target information to the information reproduction device, based on a determination result of the determining means (Younis, [0015], positioning and menu selection are used on separate data communication links. The result of the user's menu selection influences the result of the position related information.).

Younis does not expressly disclose the use of DSRC systems, however, Hoffberg discloses a system using DSRC, therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine the use of DSRC as taught by Hoffberg with the system of Younis in order to provide communications between vehicles and roadside systems (Hoffman, col. 21, line 9-30.)

Regarding claim 3, the combination of Younis and Hoffberg teaches the information delivery system as set forth in claim 2, wherein: the selecting means carries out the selecting using a determination reference table in which a level of attribute information and communication means to be used for transmission of the target information are related with each other previously (Younis, [0015], positioning and menu selection are used on separate data communication links. The result of the user's menu selection influences the result of the position related information.).

Regarding claims 9, 10, the combination of Younis and Hoffberg teaches the information delivery system as set forth in claim 2, wherein: the second communication means is wireless telephone communication (Younis, abstract, mobile phone used as vehicle navigation device.).

Regarding claims 24, 25-30, the combination of Younis and Hoffberg teaches the information delivery system as set forth in claim 23, wherein: the content items are delivered in such a manner that the plurality of content item files are accumulated in an upper directory of a tree-structure including a plurality of lower directories, allowing a user of the information

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reproduction device to select a target upper directory or a lower directory so that all content item data in the target upper directory or the lower directory thus selected are downloaded as one group (Younis, [0016], server activates a menu which allows the user to select from a set of service and information options. See also [0044].).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145